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REMARKS

Attached is a one page clean copy of the amended claims.

Claims 1-20 stand rejected under 35 USC § 112, first paragraph, for the reasons cited by the Examiner.

Claims 1 and 15 have been amended to overcome the 35 USC § 112 rejections of Claims 1-20.

Claims 1, 2, 5, 15 and 20 stand rejected under 35 USC § 102(e), as being anticipated by U. S. Patent No. 6,267,882 to Houck et al. (the "Houck patent") for the reasons cited by the Examiner.

Amended claims 1 and 15 claim the use of crumb rubber made from tires.

The Houck patent discloses the use of tire chip. Tire chip is different from crumb rubber. Different processes are needed to manufacture tire chips and crumb rubber. A following statement is listed in *Scrap Tire News Online*. " To produce crumb rubber, it is usually necessary to further reduce the size of the tire shred or chip. This is accomplished by grinding techniques generally categorized as ambient or cryogenic." Attached is the article. The size of the tire chips is 2 inches. Crumb rubber as described in the application of the present invention has a size range of 9-16 mesh (1.2 to 2.0 mm) which is approximately 18 to 32 times smaller. So, it is not inherent that the rubber chips and crumb rubber would have the same properties. Especially, the stacking properties in any filter. Nowhere is it taught or suggested in the Houck patent to use crumb rubber. Therefore, claims 1 and 15 are not anticipated by the Houck patent and are patentable. It also follows that since claims 1 and 15 are patentable, that claims 2-14 and 16-20 which depend from either claims 1 or 15 are patentable.

Claims 2, 5 and 20 claim a downflow filter.

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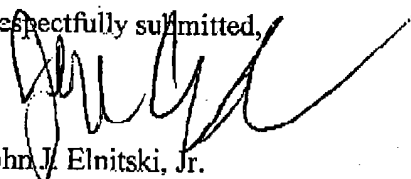
The Houck patent discloses a drainage or trickling system use in septic tank drain fields. This type of filter disclosed in the Houck patent is not a gravity fed downflow filter, whereby the material to be filter flows in at the top and out the bottom of the filter. Nowhere is it taught or suggested in the Houck patent to use downflow filter. Therefore, claims 2, 5 and 20 are not anticipated by the Houck patent and are patentable.

Claims 3, 4, 6, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Houck patent for the reasons cited by the Examiner. Applicant believes the rejections of these claims has been overcome by the removal of the Houck patent as a 35 USC § 102(e) reference. Furthermore, it has be pointed out that the properties of the rubber chips and crumb rubber are different and would make a difference in a downflow filter. It has also been pointed out that the filters in the Houck patent is different than the filter in the present application and would require different properties for filtering media. Therefore, claims 3, 4, 6, and 16-18 are patentable in view of the Houck patent.

In view of the aforementioned remarks and amendments, it is believed that claims 1-20 are in condition for allowance and allowance of these claims is respectfully requested.

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Respectfully submitted,



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